

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

**United States District Court
Southern District of Texas
ENTERED**

OCT 13 2006

LUIS ALEJANDRO GARZA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. B-02-154

**Michael N. Milby, Clerk of Court
By Deputy Clerk D. Ohnumd**

ORDER

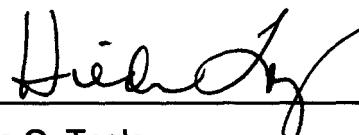
BE IT REMEMBERED that on October 13, 2006, the Court DENIED Plaintiff's Motion for Reconsideration of Plaintiff's Second Motion to Compel Discovery and Motion for In-Camera Inspection. Dkt. No. 63.

Plaintiff's motion pertains to his request for a particular videotape of the recreation yard where the incident at issue occurred. *Id.*, at 2. Plaintiff previously acknowledged that the Government has produced videos of numerous cameras covering the Three Rivers facility. Dkt. No. 60, at 2. The Government previously indicated to the Court that it has produced to Plaintiff the same videotape that it has in its possession. Dkt. No. 55, at 4. Furthermore, the Government has made an additional request for a search to locate any additional videotapes or photographs relevant to this case. Dkt. No. 64, at 2.

Plaintiff's motion also pertains to his request for photographs and possible witness statements from criminal prosecution files of the U.S. Attorney. Dkt. No. 63, at 2. The Government has indicated to the Court that the files were produced to Plaintiff. Dkt. No. 64, at 2. However, the criminal files were closed at the time they were requested by Plaintiff, and as a result, any exhibits or witness statements contained within the files had been destroyed or removed in the regular course of business. *Id.*, at 2.

Based on the foregoing, the Court **DENIES** Plaintiff's Motion for Reconsideration of Plaintiff's Second Motion to Compel Discovery and Motion for In-Camera Inspection. Dkt. No. 63.

DONE at Brownsville, Texas, this 13 day of October, 2006.



Hilda G. Tagle
United States District Judge